App. F. IX-4

Previous References

1935. (Law)

File No. 40-35

Serial Nos. 1-7.

PRESERVED

Letter References.

CW

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 7

Part B for March 1936

SUBJECT.

Instructions for proof of Chemical Examiner's certificate

7 - To The Dir of Health
" " Surgeon
" " D & J of Police
" " Dirs of Dists
" " Prin Inspectors
" " Govt Aor
" " Compte

No P. 6033-48 dy 10.3.36

Approves of the circular issued by the D & J of Police in the matter.

11/4/36

Serial No.

From,

The Govt. Ad.

D.O. no. 44 d 28-8-35 stating that in a few cases which came to the notice of the H.C. the learned Judges were of opinion that the Chain of evidence Connecting the Chemical Examiner's Certificate, were the articles, was not Exact and Complete and that in a few Cases the Certificate itself was ignored and requesting that suitable instructions may be issued to the Police officers Concerned in the matter

A Copy of the 40 Mys. H.C.R is put up.

1) Instructions to police officers for sending articles for Chemical Examination are published in Pol. Manual P. I as appendix IV. This does not Contain any instruction as to how for the method of using the certificate successfully in a Case of law, Connecting it with a proper Chain of evidence No Circular or order seems to have been issued either in the Pol. manual or in the Criminal Rules of Practice The Govt. Ad. now points out that there must be clear proof that the articles produced in the Case were the identical articles sent to the Ch. Examiner and the Certificate relates

NOTE—Contn Sheet.

WD 03594—GPB—30,000—13-7-35

1359

Law File No. of 193 5. | General and Revenue Secretariat

to have articles sent to him, and that unless
the Chain of evidence is established in these him
the Chemical Examiner's Certificate will have no
value. The D.S.P. may perhaps be Consulted
before suitable instructions are issued in the matter.
} A

W.P. for orders.

TSD 10/9

A. This will be done, if approved

Gensey) 10/9

10 SEP 1935 L78

Dft 12/9

Dft sub?

KD 14/9

Issue ME 14/9

To,

The D.S.P.

No. P. 1970 d 10.9.35. Calling for his views in the matter.

TYPING SECTION 14 SEP. 1935 GENL & REV. SECTT.

Sus A 23/9

2590

(3)

General and Revenue Secretariat | Land File No. 60 of 1935 | [App. F. III—2

Serial No.

30 OCT 1935
626

Dear,

Re G. G.O.

W.E. 603/35 & 22-10-35 stating that instructions may be issued on the lines suggested by the G.A., and that he is issuing a departmental Circular drawing the attention of the investigating and prosecuting officers to the matter

5) Submitted for perusal and orders with reference to paras in Supra.

TSD 30/10. 6) A copy of the Circular issued by the G.G.O. will be obtained. Perhaps this will be enough and no further action on the part of Govt may be necessary.

Gen Secy) 30/10

7) Please get a copy of the Cir issued by the GO

Ind 1/11.

8) Draft 1/11

G SECTION. NOV. 1935 REV. SECTT.

9) Dft sd TSD 2/11

10) Issue 2/11

NOTE—Contn Sheet.

WD 03594—GPB—30,000—13-7-35

Issued no. P. 3032 d 6-11-35

Sec A 2/11

Proof of Chemical Examiner's cert[illegible]

3954 TH

Law File No. of 1935. General and Revenue Secretariat

From,

Rec'd D.S.P.

No. C. 4003/3556 d 2.1.36 forwarding a c/s of the circular issued in re: to use proof of Chemical Examiner's certificate

Subd for perusal and orders with reference to para 6-7 supra. No further action seems necessary.

TSD 7/1

Please put up a c/s of the High Court Judgment

6 7/1/36

40 Mys. H.C.R. is put up. Please see p. [illegible]

TSD 8/1

No further action in this file is necessary. As regards the question raised in the linked file, regarding the necessity for changing the rules prescribing the procedure to be adopted in forwarding cases for medico-legal Exam[n] or the form of the Chemical Ex: Certificate, the matter will be further examined in consultation with the Govt. asst.

Govt Secy 16/1/36 15/1

First Member Asst Chief Secy.

Hon ble 16/11 17-1-36

ble 17/1

GENERAL SECRETARIAT 15 JAN. 1936 4653.

OFFICE OF THE FIRST MEMBER 17 JAN. 1936 No. J 643

16 JAN. 1936

ble 20/1

ble 19/1 20/1

2 88/1

Furnishing proofs for the genuineness of the articles sent to Chemical Examiner for analysis

General and Revenue Secretariat | File No. P.H. 5 of 1935 | [App. F. III—2 (5)

Serial No.	
1	From the Director of Health No. C 960-2 of 27.11.1935 Forwards copy ~~correspondence~~ letters from the Public Prosecutor, Kurunegala, to the District Supt of Police, Kurunegala, & a copy of letter from the Asst Supt of Police, Davenport, to the Chemical Examiner ~~re~~ to point about furnishing proofs for the genuineness of the articles sent to the Chemical Examiner for analysis & what orders Govt is to make in the matter

---

1) Subd. ~~And~~ In the letter of 22-8-1933 from the Govt Advocate to the Public Prosecutor, Kurunegala, it is stated that in certain cases the question of identity of articles was considered & it was found that the chain of ~~evidence~~ evidence connecting the certificate with the articles was generally incomplete & that the High Court did not consider the effect of the certificate in those cases, & that it would be necessary to prove the identity of the articles sent to the Chemical Examiner as also the fact that those identical articles were

NOTE.—Contn. Sheet.

WD 03594—GPB—30,000—18-7-35

2570 V335 4p 635

Furnishing proofs in the commonness of the articles sent to the Chemical Examiner for analysis

V124

File No. [illegible] 40 [illegible] of 1935

General and Revenue Secretariat

were returned by him: The Director of Health has not suggested any course of action. Submd for orders. The present question does not seem to have been covered in the G.O. of 4th/8th June 1935 which relates only to the procedure for sending articles to the Chemical Examiner for analysis. This is a medico-legal subject and has to be dealt with in the Protection Branch, perhaps.

Submd for orders.

C.B. 5/12/35

A - I mins & two. 6/12/35.

To Prot[n] Branch, with Compliments

C.B. 6/12/35

A Circular in the matter said to have been issued by the D.G.P.S., has been called for in the linked file and this may be awaited.

TSD 7/12

A.R. Narasimha Rao 11/12

A. dft. Reply is put up

16. DEC. 1935 GENL. & REV. SECTT.

Issued NOP 4020 dt 20/12/35

3354

(7

General and Revenue Secretariat | Law File No. 40 of 1935. | [App. F. III—2

Serial No.

8) If appl? this will be sent to the Govt. Advocate as suggested in the linked file.

TSD 24/1

9) The circular issued by the D.G of Police is in the linked file. For favour of opinion if any change is necessary in the form of the chemical examiner's certificate or in the rules prescribed regulating the procedure in forwarding cases to the chemical examiner.

Government advocate with Compliments.

M Sivaram
23/1/36.

G.O.No.P 1182/35 dated 25/1/1936
No. 338/351-86 of 27.1.86

No. 88. 123/35256 of 28.2.86

Returned with compliments.

10) The Circular of the Inspector-General of Police is, I think, all right.

Para. 5 may, I think, be made more explicit. As the Investigating Officers invariably send the articles for examination through the Superintendents of Police, the latter's letters to the Chemical Examiner forwarding the articles may also be required to be exhibited and proved in the case. The want of this connecting link was commented upon by the High Court in some cases.

V. Mahadevan Iyer
Government Advocate.

H/27.2.1936.

28 FEB. 1936

11) DPP 28/2

NOTE.—Contn. Sheet.

WD 03594—GPB—30,000—13-7-35

Circular re: Proof of Chemical Examiner's certificate
3384

(6)

File No. 40 of 193 General and Revenue. Secretariat

2) Dft. subd for appl.
ISD 29/2

3) Letters put up & Sec approving the Circular pointing out further alterations
MNP 29/2

4) Subd with a dft. S. of accordingly
ISD 2/3

Gen Secy MNP 2/3

5) May be appd
MW 3/3
MNP 3/3

3 MAR 1936

First Member
Hon Ch Secy

MW 5/3

Hon 4/3 3/3
MNP 4/3.

OFFICE OF THE FIRST MEMBER OF COUNCIL 4 MAR. 1936 No. 6.38 d

Issue
MNP 5/3

R. 1936

Proof of Chemical Examiner's Certificate.

3354/19

General and Revenue Secretariat | Law File No. 600 of 1935 | [App. F. III—2

Serial No.

To,

The Dir^r of Health

" S.S.

D.S.P.

" D. Mys^re

" BBS

" S.AD

" Comptroller

G.O. no. P. 6033-38 dt 10.7.36 approving the circular issued by the D.S.P.

If appd this will be treated as a standing order and 200 copies of the G.O. for ~~400~~ cyclostyled. This may also be published in weekly volume.

TSD 16/8

16/8

Necessary action has been taken separately.

B 17/8

WD 03594—GPB—30,000—13-7-35

1359 1935

Mr. A. R. NAGESVARA IYER, B.A., B.L.,
Government Advocate.

GOVERNMENT ADVOCATE'S CHAMBERS,
PUBLIC OFFICES,

D. O. No. 214

Bangalore, 28th August 1935.

Law 40-35-1

Rec'd 29/8/35

Dear Sir,

I should like to invite your kind attention to the decision reported in 40 Mys. H.C.R. 208, (Mancha Naika alias Jogi Naika VS. Government of Mysore) particularly to the last portion of the Judgment connected with the proof of the Chemical Examiner's Certificate in Sessions Cases. In a few cases which came to the notice of the High Court - recently this question was considered and the learned Judges were of opinion that the chain of evidence connecting the certificate with the articles was not exact and complete. In a few cases the Chemical Examiner's certificate was also ignored. It seems to be, therefore, necessary to draw the attention of the Police Officers concerned to this matter so that the exact connection between the articles (produced) in the case and the certificate may be established.

I think there must be clear proof that the articles produced in the case were the identical articles which were sent to the Chemical Examiner and that those identical - articles were returned by him with the certificate, and that the certificate relates to those articles. It would be necessary to elicit these facts either from the investigating officer if he knows these facts personally or from any other person well acquainted with those facts. It would also be necessary to prove the letter of the Police Officer sent to the Chemical Examiner along with the - articles. If the chain of evidence is not clearly - established on these lines, I am afraid, in many cases, the

Chemical

Chemical Examiner's Certificate will have no value.

I may also mention that in order to avoid delay I have communicated my ideas to the Public Prosecutors of the three Divisions for their guidance pending instructions from Government.

Yours sincerely,

M Nagaswamy Iyer

H.V. Ramaswami, Esq., M.A.,B.L.,
General Secretary to Government,
BANGALORE.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P 1978 Rev 40-35-2 Dated, Bangalore, 19th Septr. 1935.
Confdl

From

The *General Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Inspector General of Police in Mysore,

Bangalore.

Sir,

I am directed to forward herewith a copy of the Government Advocate's D.O.No.214 dated 28.8.1935, inviting attention to the observations made by the High Court in (Mancha Naika -VS-Government of Mysore) (40 M.H.C.R.208) regarding the proof of the Chemical Examiner's certificate in Sessions and other cases, I am to request you to kindly favour Government with your views in the matter particularly as to the necessity or desirability of issuing any instructions in the matter.

I have the honour to be,

Sir,

Your most obedient servant,

for

General Secretary to Government.

TSD

K.M.R.2.

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*

No P/978 Law 40-35-2
Endorse dy 20-9-35

To,

The D. S. P.

Sir,

I am directed forward herewith a copy of the Govt. of India's D.O. no. 1110 dt 25.8.35 inviting attention to the ~~printing and use of the Chemical Examiner's Certificate in evidence Connected with the Chemical Examiner's certificate is not enabled in most of the Cases, and to request that you would be so kind as to~~ ~~may~~ you to intimate for information of Govt whether any particular Circular instructions are necessary in the matter.

observations made by the High Court in Nandha Nalka vs Govt of Mysore (40 M.L.J.C.R 208) regarding the proof of the Chemical Examiners certificate in dacoity & other cases. I am to request you to kindly favour Govt with your views in the matter ~~and~~ as to ~~the further action that is~~ ~~regarding~~ necessary or desirable ~~to take~~ in the necessity or desirability of issuing any instructions in the matter

I have etc

for Secretary

ISD
n/s

WD 0186—GPB—15,000—6-9-34

19/9/35

359

2570 P 35

POLICE DEPARTMENT.

Tel. Address
"POLICE"

PHONE No. 298

OFFICE OF THE
INSPECTOR-GENERAL OF POLICE IN MYSORE,

When replying please quote No. C-403/35-36

Dated Bangalore, 24th October *193* 5.

Law 40-35-3

FROM

F. A. HAMILTON, ESQ., C.I.E.,
Inspector-General of Police in Mysore,
Bangalore.

25 OCT 1935

To

GENERAL DEPARTMENT
25 OCT. 1935

The General Secretary to the
Government of His Highness the Maharaja of Mysore,
Bangalore.

SIR,

With reference to your letter No.P.1978-Law-40-35-2 dated 20-9-35 calling for my views in the matter of issuing instructions regarding the proof of the chemical examiner's certificate, I have the honour to state that instructions might be issued on the lines suggested by the Government Advocate. The prosecution has to prove beyond doubt that the article analysed by the Chemical Examiner was actually the article sent to him for analysis. I am issuing a departmental circular drawing the attention of the investigating and prosecuting officers to the necessity of establishing the connection between the article produced in a case and the certificate.

I have the honour to be,

Sir,

Your most obedient servant,

Inspector General of Police.

NK.

16

Appendix F G—1]

SUBJECT.....

.....

.....

Section Law

File No. 60/35

Serial No. (4)

Diary No. of letter replied to.....

No. P 3032/

To

The D. S. P.

General and Revenue Secretariat

( )

the *193*

Sir,

With reference to your letter no. C. 603/35-36 d. 10.11.35 re: the proof of Chemical Examiner's certificate in Sessions and other cases, I am directed to request that a copy of the departmental Circular said to have been issued by you in the matter, may kindly be sent for information of Govt.

I have etc

Date of issue 6/11/35

Signed by

List of enclosures.....

Copied by .....

Examined by.....

WD 03601—GPB—30,000—23-9-35

PH 57-35-1

GOVERNMENT OF MYSORE

DEPARTMENT OF HEALTH

2724 NOV 1935 GENL. & REV. SECT.

[illegible],
Director of Health.

Telephone No. 340

Telegram: HEALTH

No. C. 960-2

Encl. End. 5 2/8

"GRACE VILLE," PALACE ROAD,

*Bangalore (S. India), dated...*November 22, 27 .....*193* 5

FROM P.Parthasarathy, Esq.,L.M.S.,B.S.Sc.,L.R.C.P & S.,D.T.M.,D.P.H.,
[illegible],
Director of Health with the Government of
H. H. the Maharaja of Mysore, Bangalore.

To

M.Venkatesa Iyengar, Esq.,M.A.,
General Secretary to the Government of
H.H. the Maharaja of Mysore, Bangalore.

2/25/11

SIR,

I have the honour to enclose herewith for the information of Government the letters received from the Public Prosecutor, Shimoga to the District Superintendent of Police, Chitaldrug and a copy of letter from the Assistant Superintendent of Police Davanagere to the Chemical Examiner to the Government of Mysore Bangalore on the same subject. A copy of the present form is enclosed. As no instructions from the High Court or from the Government have been received, I request that you will be so good as to obtain orders of Government on the subject. I have instructed the Chemical Examiner to certify as requested by the Assistant Superintendent, Davanagere, lest there should be delay in issuing necessary certificates.

I have the honour to be,

Sir,

Your most obedient servant,

P. Parthasarathy

Director of Health.

Letter No. C. 247-332 dated 20th November 1935 from the Chemical Examiner to the Government of Mysore, Bangalore, to the Director of Health in Mysore, Bangalore.

In submitting herewith the copies of letters received from the Assistant Superintendent of Police, Davanagere Division, Davanagere with his No. C. C.D. 568 dated 18th November 1935, for your kind perusal, I have the honour to state that they seem to be the expression of opinion by the Government Advocate and no such reference has been received directly from the High Court or from any Governmental authorities; I seek instructions in the matter of changing the existing certificate which has been found sufficient from a long time. It may here be stated that the present certificate, at the beginning states that the seals tallied, etc., and the note below either requests articles to be taken back within 10 days or if the articles have already been taken, it is so notified that the articles have already been taken by the Police authorities. A register is also maintained in this office where the Police Constable who takes back the articles signs in the book that he is doing so.

A copy of the existing certificate is herewith enclosed for your kind perusal.

Letter No. 161/7-11-1935 from the Public Prosecutor, Shimoga, to the District Superintendent of Police, Chitaldrug, received in the office of the Chemical Examiner, Bangalore, through the Assistant Superintendent of Police, Davanagere.

Subject:- Proof relating to the articles sent to the Chemical Examiner, Bangalore.

In forwarding herewith for your information a copy of D.O.Letter No. 197 dated 22nd August 1935, received from the Government Advocate in Mysore, Bangalore, regarding the above subject, I have the honour to request you to kindly circulate a copy of the said letter to every Police Inspectors and every Prosecuting Inspector in your District and

to instruct them to strictly comply with the instructions embodied therein regarding the proof to be adduced about the articles sent to and received from the office of the Chemical Examiner.

I would also request you to send a general requisition to the Chemical Examiner to return you back with his certificate the letter sent by you to him for examination the articles with his endorsement that the seal tallied with the sample sent and that the same articles have been returned with the particular police constable who brought them under his signature and office seal.

Letter No. 197-dated 22nd August 1935 from the Government Advocate in Mysore, Bangalore, to the Public Prosecutor, Shimoga, received in the office of the Chemical Examiner to Government of Mysore, Bangalore, through the Assistant Superintendent of Police Davanagere.

I write to invite your attention to the decision of the High Court in Criminal appeal No. 8/34-35 (Mandranaika alias Jogi Naik Vs. Government of Mysore) reported in 40 MYS. 4.C.R. 208 in connection with the proof relating to the articles sent to the Chemical Examiner, whose certificate is generally filed as evidence in sessions cases under Sec. 510 Cr.P.C. The version of the identity of the articles was considered recently in a few cases and it has been found that the chain of evidence connecting the certificate with the articles, in respect of which it is to be used, is generally incomplete and the High Court did not consider the effect of the certificate in those cases. So far as I have been able to gather during the course of the arguments in the above cases it would be necessary to prove the identity of the articles sent to the Chemical Examiner and the fact that those identical articles were returned by him. This may be done by eliciting the necessary facts definitely from the investigating officer if he is acquainted with those facts from the evidence of the persons who pack those things and unpack them when they are returned by the Chemical Examiner. The identity must be clear and exact.

The other connecting link required is that the Chemical Examiner's certificate relates to the articles sent to him by Police officers in order to establish this connection the letter sent along with the arficles to the Chemical Examiner will have to be produced in the case and proved. If attention is given to these matters, I think the chain of evidence referred to by the learned Judge of the High Court would be established and I request you to be so good as to consider the points above referred to.

Copy of letter No.CCD568 dated 18th November 1935 from the Assistant Superintendent of Police, Davangere, to the Chemical Examiner to the Government of Mysore, Bangalore.

In continuation of this office No.CCD 568 dated 2-11-1935 forwarding for examination for furnishing a certificate in respect of the eight sealed bundles, I have the honour to forward herewith per bearer P.C.82 Krishnappa of Davangere report No.CCD 354 dated 17-11-1935 from the Inspector of Police, Davangere, with enclosures of copies of confidential D.O.No.197/22-8-1935 from the Government Advocate, copy of letter No.161 dated 7-11-1935 from the Public Prosecutor, Shimoga, facts of the case in brief, a list of property seized and three sample seals together with two bundles of clothes seized from the persons of the accused and request you to kindly examine the articles contained in the above sealed bundles and to furnish me with a certificate on the result of your examination in the light of the Government Advocate's D.O. which is enclosed herewith for your kind perusal.

" Copies "

T. Sadasivaiah

The Director of Health.

OFFICE OF THE CHEMICAL EXAMINER TO
THE GOVERNMENT OF MYSORE,

Bangalore, dated *193*

Ch. Ex. No. _____
Encl.

Seal.

FROM

The Chemical Examiner
to the Government of Mysore, Bangalore.

To

The Superintendent of Police,
..... *District.*

REFERENCE LETTER NO. ..... , DATED 193

I have the honour to acknowledge the receipt of the articles referred to in the above and to state that the seals corresponded with the sample sent and the descriptions tallied.

2. The undermentioned $\frac{\text{articles}}{\text{substances}}$ were duly examined with the following result :—

Chemical Examiner
to the Govt. of Mysore.

N.B.—If any of the examined articles are required, they may be sent for within 10 days' time from the date of reporting the result of examination ; otherwise the articles will be destroyed.

WD 125—GBPM—500—27-7-34.

Appendix F G—1]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *193*

Date of issue 20/12/31

Signed by MNR for A

List of enclosures.....

Copied by .....

Examined by.....

Section

File No.

Serial No.

No. P 4020

To

The DHO

Sir

I am directed to invite kind reference to this office letter No P32 dy 6/11/35 and to request that the copy of the departmental circular issued by you re the proof of chemical examiner's certificate in Sessions other cases may be sent very early.

I have etc

for Secretary

WD 03601—GPB—30,000—23-9-35

3954 p835

POLICE DEPARTMENT.

Tel. Address :
"POLICE"

PHONE No. 298

OFFICE OF THE
INSPECTOR-GENERAL OF POLICE IN MYSORE,

When replying please quote
No. C-4403/35-36 due

Dated Bangalore, the 2nd January *193* 6.

40-35-6

FROM

F. A. HAMILTON, ESQ., C.I.E.,
Inspector-General of Police in Mysore,
Bangalore.

To

M. Venkatesa Iyengar, Esq., M.A.,
General Secretary to the Government of Mysore,
Bangalore.

GENERAL SECRETARY'S 3- JAN. 1936

SIR,

As desired in your letter No.3032 dated 6-11-1935, I have the honor to send you, herewith, a copy of the circular issued by me in regard to the proof of Chemical Examiner's certificates.

I have the honor to be,
Sir,
Your most obedient servant,

INSPECTOR GENERAL OF POLICE.

CM.

No.C.403/35 Office of the Inspector General of Police in Mysore,

Dated, Bangalore, the 27th December, 1935

CIRCULAR NO. 36

The attention of all Police Officers is drawn to the observations of the learned Judges of the High Court in Mysore 40, H.C.R. Page 208 (Manchanaika Vs Government of Mysore) regarding the necessity of establishing by evidence the identity of articles produced in a Court with the articles seized by the Investigating Officer and sent to the Chemical Examiner and those mentioned in the latter's certificate. To establish this identity beyond doubt the following instructions should be adhered to.

1. The directions contained in para 7 of Appendix IV, Vol. II of the Mysore Police Manual should be strictly followed and the Investigating Officer should depose in Court to the steps taken by him, such as packing, sealing etc. to ensure that the articles sent by him are the same as those delivered for examination to the Chemical Examiner. He should also testify to the identity of the articles produced in Court with the articles sent by him to the Chemical Examiner

2. The Constable or Officer who carries the parcels containing articles to the office of the Chemical Examiner should be furnished with an invoice of the particulars of the parcels sent. The constables should be instructed to bring an acknowledgment from the office of the Chemical Examiner with a certificate that the parcels mentioned in the invoice were delivered intact with the seals by the particular constable or officer and that these seals corresponded with the seals as per sample attached in the letter of the forwarding Officer.

3. Superintendents of Police, when forwarding such parcels to the Chemical Examiner, should invariably despatch them through the same constable or officer who brings such parcels from the Investigating Officer.

4. The constable or other officer who carried the parcels from the

Investigating

Investigating Officer to the Chemical Examiner should be examined as a witness in the case to speak to the delivery of the parcels with the seals intact.

5. The letter of the advice referred to in paragraph 7 (ii) of Appendix IV and the invoice mentioned above should be produced in Court and got marked as exhibits.

Sd. F.A.Hamilton,
INSPECTOR GENERAL OF POLICE

COPY

Inspector General of Police.

CM.

G. R. S. App. F VI—G 2]

SUBJECT ..... Abstracted DBM 12/3

.....

.....

Diary. No. of letter replied to.....

General and Revenue Secretariat

( )

the *193*

Date of issue 10-3-1936.

Signed by Asst. N. R. J.

May this be—

(i) printed?

(ii) treated as a standing order?

(iii) published in the Gazette, English Part?

(iv) translated?

(v) placed at the disposal of the press?

(vi) published in the Gazette, Kannada Part?

Section Law

File No. 40-35

Serial No. 7

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read— G. O. no. G. 40801-12 P. H. 40-35 d 4-5th June 1925 issuing certain rules prescribing procedure for sending articles for medico legal Examinations

2. Letter no. 2116 d 28.8.35 from the G. A. stating that ~~Order thereon. No.~~ in certain Cases which Came to the notice of the H.Ct., the learned Judges Were of opinion, that the chain of evidence Connecting the Chemical Examiner's certificate with the articles was not Complete and Conclusive, and that in a

No objn. 9/3/36.

few Cases the certificate itself was ignored and requesting that suitable instructions may be issued to the police officers Concerned in the matter

3. Correspondence ending with letter no. C. 403/35-36 dt 2.1.36 from the D.G.S. forwarding a Copy of the Circular issued in regard to the proof of Chemical Examiner's certificates.

Order - P 6033-48.

The Circular appended to this order and issued by the D.G.S. is approved ~~subject to the following changes which may be made more explicit~~

As the investigating officers invariably send the articles for examination to the Superintendents of Police the letter forwarding the articles to the Chemical Examiner forwarding the articles

List of Enclosure

Copied by

Examined by

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*

may also be required to be
solicited and proved in the Case
The D. S. P. is requested, to
modify the rule accord

To,

The Dist of Health
" S. S.
" D. S. P.
" D. Mag/ts
" Pros.
" S. Ad.
" Comptroller
✓ Copy to S. M. Br.

S.O.

Government of his highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS.

G. O. No. P. 6033-48—Law 40-35-7, dated 9—10th March 1936.

Proof of Chemical Examiner's Certificate.

Approves the Circular issued in regard to the ——.

READ—

Government Order No. G. 10801-12—P. H. 41-33, dated 4—8th June 1935, issuing certain rules prescribing procedure for sending articles for Medico-legal Examinations.

2. Letter No. 214, dated 28th August 1935, from the Government Advocate, stating that in certain cases which came to the notice of the High Court, the learned Judges were of opinion, that the chain of evidence connecting the Chemical Examiner's Certificate with articles was not exact and complete, and that in a few cases, the Certificate itself was ignored and requesting that suitable instructions may be issued to the Police Officers concerned in the matter.

3. Correspondence ending with letter No. C. 403—35-36, dated the 2nd January 1936, from the Inspector-General of Police, forwarding a copy of the Circular issued in regard to the proof of Chemical Examiner's Certificate.

ORDER No. P. 6033-48—LAW 40-35-7, DATED BANGALORE, THE 9—10TH MARCH 1936.

The Circular appended to this order and issued by the Inspector-General of Police, is approved. As the investigating officers invariably send the articles for examination through the Superintendents of Police, the letters addressed by the Superintendents to the Chemical Examiner forwarding the articles may also be required to be exhibited and proved in the case.

M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

To—The Director of Health in Mysore.
The Senior Surgeon in Mysore.
The Inspector-General of Police in Mysore.
The District Magistrates of Districts.
The Public Prosecutors.
The Government Advocate.
The Comptroller to Government.

Exd.—C. K.

No. P. 6033-48—Law 40-35-7, dated 9—10th March 1936.

ANNEXURE.

Circular.

The attention of all Police Officers is drawn to the observations of the learned Judges of the High Court in Mysore 40, H. C. R. Page 208 (Manchanaika *vs.* Government of Mysore), regarding the necessity of establishing by evidence the identity of articles produced in a court with the articles seized by the investigating officer and sent to the Chemical Examiner and those mentioned in the latter's certificate. To establish this identity beyond doubt, the following instructions should be adhered to: —

1. The directions contained in para 7 of Appendix IV, Vol. II of the Mysore Police Manual, should be strictly followed and the investigating officer should depose in court to the steps taken by him, such as packing, sealing, etc., to ensure that the articles sent by him are the same as those delivered for examination to the Chemical Examiner. He should also testify to the identity of the articles produced in court with the articles sent by him to the Chemical Examiner.

2. The constable or officer who carries the parcels containing articles to the Office of the Chemical Examiner should be furnished with an invoice of the particulars of the parcels sent. The constables should be instructed to bring an acknowledgment from the Office of the Chemical Examiner with a Certificate that the parcels mentioned in the invoice were delivered intact with the seals by the particular constable or officer and that these seals corresponded with the seals as per sample attached in the letter of the forwarding officer.

3. Superintendents of Police, when forwarding such parcels to the Chemical Examiner, should invariably despatch them through the same constable or officer who brings such parcels from the investigating officer.

4. The constable or other officer who carried the parcels from the investigating officer to the Chemical Examiner should be examined as a witness in the case to speak to the delivery of the parcels with the seals intact.

5. The letter of the advice referred to in paragraph 7 (ii) of Appendix IV and the invoice mentioned above should be produced in court and got marked as exhibits.

WD 1691—GPB—740—27-3-36